

MAY 28 2004



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FACSIMILE COVER SHEET

DATE: May 28, 2004

To: Commissioner  
United States Patent and Trademark Office

FROM: Kelly J. McCrystle  
Patents and Trademarks  
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TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 3

MESSAGE:

U.S. Application No.: 09/882,823

Filed: June 15, 2001

Title: BALLOON OCCLUSION DEVICE HAVING A PROXIMAL VALVE

Case No.: 6844USO1

Enclosed herewith for the patent application identified above is the following:

1. Response to Restriction Requirement (2 pages)

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MAY 28 2004

**OFFICIAL**

Attorney Docket Number: 6844US01  
Filing Date: 6/15/2001

**PATENT****IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Lynn D. Crawford, et al.

SERIAL No.: 09/882,823

FILED: June 15, 2001

FOR: BALLOON OCCLUSION DEVICE  
HAVING A PROXIMAL VALVE

ATTORNEY DOCKET NO.: 6844US01

Group Art No.: 3743

Examiner: Odland, Kathryn P

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement of April 29, 2004, Applicant elects the claims which can be read on the Species 1, Figure 1, including: distal end subspecies A: Figures 2-2b, proximal end subspecies d: Figures 11-12, and valve subspecies cc: Figures 11-12 for further prosecution. These claims are as follows: 1-5,7, 9-13, 15-19.

Applicants traverse this election of species on the grounds that the restriction requirement failed to set forth particular reasons for holding that the inventions as claimed are either independent or distinct. (See MPEP 816). Furthermore, the restriction requirement referenced above does not indicate how examination of all claims would impose an undue burden during prosecution of the present application. Applicant believes that each of the species and subspecies identified in the restriction requirement are similar in function and design so that they

Attorney Docket Number: 6844US01  
Filing Date: 6/15/2001

can be searched simultaneously.

Therefore, Applicant believes that the restriction requirement is improper and respectfully requests that the restriction requirement be removed and the application including claims 1-20 be advanced to prosecution on the merits.

If any questions have been raised by submission of this paper, the Examiner is invited to contact Kelly J. McCrystle at (650) 474-3326.

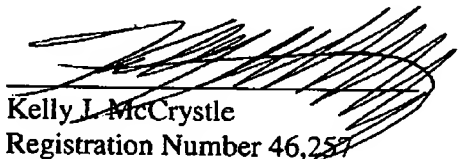
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 01-0025 for any charges that may be due or credit our account for any overpayment.

Respectfully submitted,

23492

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